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and the clear brand of spuriousness which he puts upon them is admirable. They have no place in simple contracts and should be relegated to the province where they properly belong, to wit, the law of property. What are improperly called conditions subsequent are in reality nothing but conditions precedent, as the writer emphatically declares.

Space will not permit any further reference to specific parts of this interesting work, and it only remains to say that the treatise has demonstrated the fact that a subject is never exhausted, but may always be further developed and elucidated out of the mature thoughts of earnest scholars.

*Charles Thaddeus Terry.*

THE LIABILITY OF RAILROADS TO INTERSTATE EMPLOYEES. By PHILIP J. DOHERTY. Boston: LITTLE, BROWN & COMPANY. 1911. pp. 371.

This treatise concerns certain aspects of federal regulation of the remedy for death or injury to employees in the service of interstate railroads. In an appendix the author reproduces the principal federal statutes defining the responsibility of the interstate carriers as employers toward their employees; such as the so-called Employer's Liability Acts of 1906, 1908 and 1910; the Safety Appliance Acts of 1893, 1896, 1903 and 1910; the Ash Pan Law; the Hours of Service Act, and the Boiler Inspection Law. The last four Acts are important elements in any discussion of the Federal Employer's Liability Law because Sections 3 and 4 of the latter give a remedy to those within the purview of that act wherever the employer's "violation . . . of any statute enacted for the safety of employees contributed to the injury or death of such employee."

The treatment of the subject is divided into two nearly equal parts, the first consisting of a discussion of the state of the law preceding the various enactments of Congress and the effect of these acts, together with a most painstaking analysis of the statutes and their application; the second, comprising a consideration of the question of the constitutionality of the Employer's Liability Act of 1908. This part concludes with a review of the now famous Hoxie Case. The author is much more effective in the first division of his book than he is in his discussion of constitutional questions.

The analysis of the principal statute and the comment upon and quotation from adjudicated cases are in the main excellent. This portion of the volume will be of real value to that very considerable number of our bar engaged in litigation respecting personal injuries. It gives an orderly and fairly detailed treatment of all the essential points likely to arise in any ordinary litigation under the Act.

The constitutional questions are not treated, however, in the same thorough and authoritative manner, and one feels that there is much more of metaphysics and economics underlying the author's conclusions than there is of law.

*Jackson E. Reynolds.*

#### BOOKS RECEIVED.

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